IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12/07/2004

CORAM

THE HONOURABLE Mr.JUSTICE V.KANAGARAJ

C.R.P. (N.P.D.) No. 1282 of 2003
and C.R.P. Nos. 1283 and 1284 of 2003
and
C.M.P.No. 14254 of 2003 in C.R.P.(N.P.D.)No.1282 of 2003

Subramaniam ... Petitioner in all the above CRPs.

-Vs-

1.A.Arumugam
2.A.Arunachalam
3.A.Kannan
4.A.Easwaramurthy
5.A.Sumathy
6.A.Suriakala
7.A.Chitra
8.A.Geetha
9.A.Vijayalakshmi

(Respondents 3 to 9
are not necessary
parties. Hence, given up)
... Respondents in all the above CRPs.

Civil Revision Petitions are filed under Section 115 of C.P.C.
praying for the relief as stated below.

!For petitioner ... Mr.C.Selvaraju

^For Respondents ... Mr.D.Shivakumaran

:O R D E R

All the above three Civil Revision Petitions have been filed
against a common order dated 25-7-2003 passed by the Court of Principal
District Munsif, Salem in I.A.No. 358 of 1999 in I.A.No. 299 of 1998,
I.A.No. 1159 of 2000 and I.A.No.1160 of 2000 in O.S.No. 263 of 1998.

2. The subject matter is that I.A.No. 229 of 1998 was
filed by the respondents herein for final decree, and I.A.Nos. 358 of 1999 in
I.A.No. 299 of 1998, 1159 of 2000 and 1160 of 2000 in O.S.No. 263 of 1998
have been filed by the respondents herein under Order 6 Rule 17 and Section

151 of C.P.C. respectively seeking to amend the schedule of property in the final decree application, to amend the schedule of property in the plaint and to amend the schedule of the property in the judgment and decree. But, the amendment that is sought to be introduced in all the above applications are respectively in the schedule of properties and one and the same, i.e., instead of the survey No. 16 9/6, it has to be amended as survey No. 169/5 in the schedule of properties therein.

3. The lower Court having gone into the facts and circumstances of the case and further having discussed the merit of the case, among other things, has ultimately arrived at the conclusion to hold, the amendment formal and not affecting the fortunes of the otherside and therefore, allowed all the three applications filed on the part of the respondents herein, testifying the validity of which, the petitioner has come forward to file the above three Civil Revision Petitions.

4. In consideration of the facts pleaded, having regard to the materials placed on record and upon hearing the learned counsel for both, what comes to be known is that, in all the above three Civil Revision Petitions the subject is only one that is the alteration of the survey number in the schedule properties. Instead of giving the survey number as 169/5, it has been wrongly given as 169/6 and to amend the same in all the above three places, three petitions have been filed and they have been found to be formal amendments by the lower Court and hence, the lower Court has allowed the same on reasons assigned therein.

5. This Court is not able to find any illegality or inconsistency or legal infirmity not only in the conclusions arrived at by the lower Court, but also the manner in which those conclusions have been arrived at and therefore, since being formal amendments not being in a position to change the cause of action or alter very structure of the plaint, the lower Court is justified in passing the order permitting the respondents to amend the suit schedule in all those documents, such as, suit schedule in the plaint, final decree petition and the judgment and decree and therefore, the interference of this Court, which is sought to be made into the well considered and merited fair and decretal orders passed by the Court of Principal District Munsif, Salem, is neither necessary nor called for in the circumstances of the case and hence, the following order.

In result,

(i) all the above Civil Revision Petitions do not merit acceptance and the same are dismissed as such;

(ii) consequently, C.M.P.No. 14254 of 2003 in C.R.P.(N.P.D.) No. 12 82 of 2003 is also dismissed;

(iii) there shall be no order as to costs.

Index: Yes

Internet: Yes

paa

To
The Principal District Munsif
Salem.